

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

No. C 02-04948 JSW (EDL)

v.

ORDER GRANTING PLAINTIFF'S MOTION  
TO COMPEL

REAL PROPERTY AT 6557 ASCOT DRIVE,  
OAKLAND, CALIFORNIA,

Defendant.

STEVE FONTAINE and NILOUFER  
FONTAINE,

Claimants.

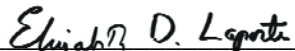
In this civil forfeiture action, Plaintiff filed a motion to compel seeking: (1) further production of documents from Claimants Steven and Nikoufer Fontaine; (2) the continued deposition of Steven Fontaine; and (3) the deposition of Christopher Stenning in London. Claimant Steven Fontaine filed a nonopposition to Plaintiff's motion. Claimant Niloufer Fontaine did not file any response to Plaintiff's motion. Because this matter is appropriate for decision without oral argument, the Court vacated the December 9, 2008 hearing on Plaintiff's motion.

The documents sought by Plaintiff are relevant to this matter, and Claimants do not oppose their production. Therefore, Plaintiff's Motion to Compel production of documents is granted. In addition, Plaintiff's Motion to Compel further deposition of Steven Fontaine based on the further production of documents is granted.

1 Plaintiff contends that the Stenning deposition is necessary based on a document produced by  
2 Steven Fontaine during his July 24, 2008 deposition. The Court is troubled that Plaintiff is only seeking  
3 this deposition after the close of discovery even though Plaintiff has known since July 24, 2008 of Mr.  
4 Stenning's involvement in this case. However, the Court gives Plaintiff leave to make arrangements  
5 to take Mr. Stenning's deposition in London, England on the condition that doing so does not change  
6 Judge White's pretrial and trial schedule for this case. By allowing this deposition, the Court is not  
7 extending any other deadlines previously set by Judge White. The Court notes that arranging  
8 depositions in foreign countries can be time-consuming, and in the end may be a futile exercise given  
9 the other deadlines in this case.

10 **IT IS SO ORDERED.**

11 Dated: December 5, 2008

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13 ELIZABETH D. LAPORTE  
14 United States Magistrate Judge  
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